

Order

Michigan Supreme Court
Lansing, Michigan

April 5, 2011

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2008-11

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

Amendment of Rule 2.507
of the Michigan Court Rules

On order of the Court, notice of the proposed change and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 2.507 of the Michigan Court Rules is adopted, effective September 1, 2011.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 2.507 Conduct of Trials

(A)-(F)[Unchanged.]

(G) Agreements to be in Writing. An agreement or consent between the parties or their attorneys respecting the proceedings in an action, ~~subsequently denied by either party~~, is not binding unless it was made in open court, or unless evidence of the agreement is in writing, subscribed by the party against whom the agreement is offered or by that party's attorney.

Staff Comment: The amendment of MCR 2.507 was submitted to the Court to clarify that oral agreements not made in open court or in writing to settle a case will not be enforceable. Like an agreement subject to the statute of frauds, agreements to settle a case would be required to be made in open court or be submitted in writing to be binding.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 5, 2011

Corbin R. Davis

Clerk